



**COUNTY OF SAN LUIS OBISPO**  
**Department of Agriculture/Measurement Standards**

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**SAN LUIS OBISPO COUNTY**  
**PESTICIDE USE ENFORCEMENT PROGRAM**

Workplan for 2006/2007

**Mission Statement**

To protect people, the environment and the food supply by ensuring the safe use of pesticides in San Luis Obispo County.

*October 2006*

**SAN LUIS OBISPO COUNTY  
PESTICIDE USE ENFORCEMENT PROGRAM  
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## **I COUNTY RESOURCES**

### **A. Staff Positions**

- 1 Deputy Ag. Commissioner
- 10 Inspector Biologists
  - 7 full time
  - 3 part time @ 50%
- 4 Technicians part time (~1.5 staff years)
- 3 Clerical staff part time (~1 staff year)
  - One Administrative Assistant per office

### **B. Staff Time (includes management, supervision, inspection, technician and clerical hours) Full Time Equivalent (FTE) per Fiscal Year (FY)**

- Historical
  - FY 02/03 11.2 FTE
  - FY 03/04 11.8 FTE
  - FY 04/05 9.6 FTE
  - FY 05/06 9.4 FTE
- Projection
  - FY 06/07 10.0 FTE

### **C. Assets**

- All Pesticide Use Enforcement (PUE) Inspectors have vehicles available for their use; assigned or shared out of the department vehicle pool.
- Each Inspector/Biologist has a computer workstation at their desk.
- There are three offices: Templeton, San Luis Obispo and Arroyo Grande. Each office has a permit issuance room or area.
- We have invested in the RMMS Computer Data Base Program and are utilizing web-based applications for pesticide use reporting.

## **II RESTRICTED MATERIALS PERMIT ISSUANCE**

### **A. Annual Permit Issuance Statistics (including Operator Identification Numbers)**

- Average number of restricted materials permits issued ~ 670 permits
- Private applicators certified ~ 300
- Average number of operator identification numbers (OINs) issued ~ 280 OINs
- Total number of active permits and OINs (including multiyear) ~ 1,400
- Total number of agricultural sites ~ 10,000
- Notices of intents (NOIs) ~ 6000 NOIs
- Registrants
  - # Pest Control Advisors ~ 120
  - # Pest Control Businesses ~ 120
  - # Farm Labor Contractors ~ 85
  - # Structural Pest Control Operators ~ 60

## **B. Local Conditions**

- Significant crops grown by region
  - Northern: wine grapes, grain, and rangeland
  - Central/Coastal: wine grapes, specialty crops (sugar peas, Chinese vegetables, tomatoes) avocados, and citrus
  - Southern/South Eastern: row crops (including broccoli, bell peppers, cauliflower, carrots, vegetable transplants, lettuce, etc...), nursery cut flowers and indoor decoratives, strawberries and fruit trees
- Sensitive Sites defined as:
  - People and occupied structures near fumigation sites
  - Locations with a history of neighbor complaints
  - Locations at the Ag/Urban interface
  - Schools and day cares within 500 feet of an agricultural operation
  - Water ways (dependent on aquatic toxicity of pesticides)
  - Sensitive crops (dependent on phyto-toxicity of pesticides)
  - Endangered species habitats
  - Other (as identified)
- Workload Trends:
  - Increased regulations for all field fumigants and other pesticides that are considered toxic air contaminants.
  - Increased regulations for ground and surface water protection.
  - Increases in fumigated acreage for crops such as strawberries, peppers and nursery stock.
  - Media attention and public concern about pesticide use near urban areas requires special attention to sites where there is a history of complaints.
  - Increases in the number of sites with an agriculture/urban interface.
  - Response to pesticides found as a result of Agricultural Waiver water monitoring. Preliminary results from water monitoring show signs of pesticide contamination in local waterways.
  - Increased enforcement follow up as a result of the new statewide Enforcement Response regulation.
  - Reduction in the total number of restricted materials permits issued due to the expiration of Section 18 emergency exemptions and growers choosing to use less toxic alternatives.

## **C. Permit Review Process**

- Site Evaluation Process – Inspectors issue permits/operator identification numbers (OINs) on a district basis. Photo Mapper, a computerized aerial photograph program, is utilized to map and identify environmental hazards at each use site. Inspectors visit sites depending on level of pesticide hazard and the sensitivity of the proposed site. All requests for restricted fumigants are verified and monitored closely. The district approach allows for consistent customer service, familiarity with potential hazards and knowledge of established agricultural practices within assigned regions.
- Restricted Material Permitting and Review Process – Each year restricted use permit conditions and issuance handouts are updated to clarify and improve existing permit conditions, incorporate new and/or updated regulations, policies and new permit conditions. During this process areas of focus or concern for the coming permit issuance season are identified.
- The quality of permit/OINs is monitored by random spot checks conducted by the program Deputy, Enforcement Branch Liaison, and peer review.
- Participation in the Southern California Pesticide Deputy group's quarterly meeting provides opportunity to discuss and compare county programs, and to share insights into current issues and challenges.

- We coordinate the Central Coast Pesticide Use Enforcement Roundtable meeting twice a year. This meeting includes participation of staff from six coastal counties and representatives from the Department of Pesticide Regulation (DPR). The primary focus is to discuss fumigant and pesticide use issues that are of concern in the coastal counties.

#### **D. Permit Issuance Improvement Goals**

- In response to the Grand Jury and Health Commission Pesticide Task Force recommendation, we are formalizing a process with the Public Health Department to update the schools/daycare location GIS map layer on an annual basis.
- Improve documentation on restricted materials permits that alternative methods of control have been considered.
- Dedicate time and resources to track and respond to Ag. Waiver pesticide water contamination issues.

#### **E. Expected Results**

- Potential hazards are mitigated for the permitted use of restricted materials near schools/daycares.
- Alternatives control measures are considered prior issuing a permit as required by CEQA.
- Increased knowledge of Ag. Waiver water monitoring results to help identify the source of pesticide contamination.
- Better protection of water from pesticide contamination.

#### **F. Measures/Assessment**

- Schools mapping project is updated on an annual basis, is accurate and current and is utilized during permit issuance. (Yes or No)
- Document discussion with permittees regarding consideration of alternative control measures prior to restricted material permit issuance. (Yes or No)
- Track pesticide water contamination issue and coordinate response with the regulated community. (Yes or No)

### **III COMPLIANCE MONITORING**

#### **A. INSPECTIONS**

##### **1. History of Annual Overall Compliance Rate**

- FY 01/02 96.0%
- FY 02/03 95.9%
- FY 03/04 96.8%
- FY 04/05 96.1%
- FY 05/06 96.7%
- San Luis Obispo County has an overall high compliance rate. In general, violations are of a more technical nature. This is also reflected in the low number of illness investigations and drift incidents.

##### **2. Inspection Statistics**

- Historical # of inspections per year
  - ◆ FY 02/03 Ag. 600, Ag. Records 73, Structural 35 = 775
  - ◆ FY 03/04 Ag. 630, Ag. Records 140, Structural 67 = 837
  - ◆ FY 04/05 Ag. 504, Ag. Records 99, Structural 92 = 695
  - ◆ FY 05/06 Ag. 565, Ag. Records 95, Structural 53 = 766
- Goal for FY 06/07: Ag. 551, Ag. Records 112, Structural 82 = 745
- Our goal for FY 06/07 has been adjusted to account for the addition of a half of a staff year of Inspector time, the increased level of paperwork follow up for implementation of the new enforcement response regulation, and increased time needed to achieve targeted inspections.

##### **3. Current Inspections Targeting Strategies**

- Fumigations Applications: All restricted use fumigants uses are monitored very closely. Pre-application and application inspections are conducted on fumigant applications near sensitive sites.
- Sensitive and high profile sites.
- Applicators that have never been inspected
- Unlicensed maintenance gardeners using pesticides
- Certified or licensed applicators at sensitive sites
- Groundwater protection chemicals used in ground water protection areas
- Surface water contaminants
- Well head protection requirement compliance
- Applicators with a history of compliance problems
- Private applicators with employees
- Weekend, night and off-hour surveillance of pesticide applications

#### **4. Distribution of Inspection Work Goals**

- Annual work goals are assigned to Pesticide Use Enforcement (PUE) Inspector/Biologists and evaluated as a component of the employee's performance evaluation. Work goals take into account current cropping patterns, pesticide use trends, type of applicators, applications and hazards within assigned districts.
- PUE Inspector/Biologists participate in monthly PUE program meetings to share information and improve consistency.
- In FY 05/06 we conducted a thorough evaluation of the distribution of pesticide program workload and are in the process of making appropriate adjustments.
- One bilingual Inspector conducts most of the Field Worker Safety Inspections countywide.
- Bilingual staff members assist Spanish speaking clients countywide.

#### **5. Inspection Improvement Goals**

- Expand existing statistical inspection database to improve our evaluation of compliance trends.
- Develop a tracking system to ensure that we are meeting targeted inspection goals.
- Adjust district lines and individual inspector' assignments to more equitably distribute workload countywide.

#### **6. Expected Results**

- Database provides reliable information to evaluate compliance trends.
- Achieve inspections goals according to the work plan criteria.
- Fair and equitable distribution of staff work goals countywide.

#### **7. Measures/Assessment**

- Centralized computer database of all inspections created by June 2007 (Yes or No)
- Database utilized to evaluate and set inspection work plan goals. (Yes or No)
- Measures in place to evaluate the success of targeted inspections goals. (Yes or No)
- Annual program evaluation of workload distribution. (Yes or No)

### **B. INVESTIGATIONS**

#### **1. Investigative Reporting Statistics**

- Historical # of Investigative and Complaint Reports per year
  - ◆ 10 Investigative Reports, five-year average
  - ◆ 48 Complaint Reports, five year average
- FY 05/06 # of Investigations and Complaint Reports
  - ◆ 9 Investigative Reports
  - ◆ 50 Complaint Reports
- All pesticide incidents and complaints are investigated, logged into a countywide Enforcement Tracking database and documented with either a written investigative report or a complaint report. We track the complainant, respondent, location, type of complaint, pesticides involved and violations found and submit this information to DPR on a monthly basis.

#### **2. Current Investigation Trends**

- Most of our pesticide complaints take place in the agriculture/urban interface and involve complaints of odor or drift allegations.
- Reports are thorough, complete and on time.

#### **3. Investigative Improvement Goals**

- Add an internal departmental timeliness standard to complete all reports within 120 days of the date received.

#### **4. Expected Results**

- Timely submission of investigative and complaint reports.

## **5. Measures/Assessment**

- Results of internal and external audits by the program deputy and EBL.
- Timeliness standard tracked and measured (Yes or No)

# **IV ENFORCEMENT RESPONSE**

## **A. Statistical Analysis**

- Historical # of Compliance Actions per year (includes all warning letters and notices of violation)
  - FY 01/02 131
  - FY 02/03 125
  - FY 03/04 251\*
  - FY 04/05 489\*
  - FY 05/06 433\*
  - \* There has been a significant increase in the number of compliance actions due to our efforts to correct pesticide use reporting errors. We have eliminated some of the problems by utilizing the web-based use reporting program.
- Historical # of Fine Actions closed per year
  - FY 01/02 27 Agricultural and 3 Structural = 30 total fine actions
  - FY 02/03 21 Agricultural and 0 Structural = 21 total fine actions
  - FY 03/04 21 Agricultural and 1 Structural = 22 total fines actions
  - FY 04/05 27 Agricultural and 1 Structural = 28 total fine actions
  - FY 05/06 33 Agricultural and 3 Structural = 36 total fine actions
  - We anticipate that the total number fine actions will rise due to the impacts of the Enforcement Response regulations. The increase in fine actions in 05/06 was due to more targeted inspections on unlicensed maintenance gardeners and fumigant use.
- Hearing Requests
  - Historical Level = 1 or 2 average number of requests per year
  - FY 05/06 = 9 hearings requested (unlicensed Maintenance Gardeners, and Pest Control Businesses who had field fumigation violations)

## **B. Current Enforcement Trends**

- We have a documented record of meeting or exceeding DPR's Enforcement Guidelines and the new Enforcement Response Policy. All non-compliances are logged into the Enforcement Tracking Log database with documentation of required follow-up.
- Inspectors use the Enforcement Tracking log to review the history of non-compliance for each respondent, and consider the potential hazard when determining the appropriate level of enforcement.
- Notices of Proposed Actions (NOPA) are reviewed by the department and the Deputy makes a courtesy phone call to all of the respondents prior to sending out the NOPA.
- Other enforcement options including denying restricted materials permits, licensee registrations or involving the County District Attorney for the more egregious cases, are considered.
- The new Enforcement Response Policy has forced us to shift staff time and resources. Each violation requires additional time to document, classify and justify our enforcement response.

### **C. Enforcement Response Improvement Goals**

- Implement the Enforcement Response Policy/regulation:
  - Manage the increased workload necessary to document justifications for our enforcement follow up.
  - Develop a template for reasonable justifications to streamline the Decision Report process.
  - Develop procedures to meet required deadline to process Decision Reports within 30 days.
- Create a tracking system to evaluate the impacts of implementing enforcement response regulation and provide input to DPR on the effects to our pesticide enforcement program.
- To address use reporting errors, implement web-based use reporting for customers with rotational crops. This may be a long term challenge if we are unable to make it a priority with our computer software vender.

### **D. Expected Results**

- Smooth and efficient implementation of the new enforcement response regulations.
  - Maintain priority core enforcement program functions.
  - Efficient timely processing of fine actions and decision reports
  - Decision Reports ready for reviewed by DPR within 30 days or within a reasonable timeframe.
- Better information for developing statewide consistency and enforcement credibility.
- Reduce pesticide use reporting errors.

### **E. Measures/Assessment**

- Enforcement Response Regulations fully implemented. (Yes or No)
- Impact of Enforcement Response Regulations clearly communicated to DPR. (Yes or No)
- Fully implemented web-based pesticide use reporting (Yes or No)
- Reduction of pesticide use reporting errors compared to the previous year (measure)

## **V STAFF TRAINING**

### **A. Historical Approach**

- The traditional training approach has been for an experienced Inspector to mentor a Trainee for 6 months to a year. It takes an average of two years for a PUE Inspector to become independent and proficient.
- Ongoing training for staff is provided at monthly PUE staff meetings and as needed in a continuous process of feedback related to performance standards and quality checks.
- Training is provided to county staff by DPR to implement new regulations and/or changes in policies and procedures.
- The Enforcement Branch Liaison provides assistance with training on an as needed basis.
- The PUE Deputy checks-in with each Inspector at least quarterly to discuss work goals and to determine training needs.
- In the past five years we lost four newly trained PUE Inspectors and have received input from staff that the training mentor role is a burden. In FY 05/06 we evaluated our training process and developed better methods to train new PUE Inspectors, including breaking down the PUE core program elements into training modules and decentralizing the training approach, to take the burden off of any one staff member.

**B. Staff Training Improvement Goals**

- Develop the remaining training modules for the core PUE program assignments.
- Implement the new modular training approach with newly assigned staff.
- Rotate staff into the PUE program assignment to accomplish more depth for succession planning

**C. Expected Results**

- Competent efficient training of new and existing staff.
- Well trained staff ready to promote to future program management positions.

**D. Measures/Assessment**

- Complete the development of the training modules for all core assignments by June 07. (Yes or No)
- The new training module approach is used for new staff (Yes or No)
- Staff rotated into the PUE assignment (Yes or No)